

Westinghouse Electric Corporation and Oil, Chemical & Atomic Workers International Union and its Local 2-652, Petitioner. Case 27-RC-7089

December 6, 1990

DECISION ON REVIEW AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
CRACRAFT AND OVIATT

On July 10, 1990, the Acting Regional Director for Region 27 issued a Decision and Direction of Election in which he found appropriate a unit of the Employer's radiological control technicians, excluding other technical employees,¹ on the basis that radiological control technicians "constitute a functionally distinct or homogeneous group of employees or administrative or departmental unit." The Employer filed a timely request for review alleging the Acting Regional Director erred in excluding from the unit other technical employees. On August 8, 1990, the Board granted the Employer's request for review.²

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the entire record in this case and finds that a unit of radiological control technicians and chemistry technicians is not appropriate. For the reasons that follow, we find appropriate a unit of all technical employees employed by the Employer.³

The Employer operates the Naval Reactor Facility (NRF) for the U.S. Department of Energy and the U.S. Navy.⁴ The NRF, located on a 75-acre government preserve, operates nuclear reactor plants and a material handling facility. The Expended Core Facility (ECF) receives expended nuclear fuel from naval ships and other material that is processed for disposal. The NRF also operates three prototype nuclear reactor plants: Aircraft Carrier 1 Westinghouse (A1W), Submarine Fifth Generation (S5G), and Submarine First Generation Westinghouse (S1W).⁵ The prototype reactor plants are used to train civilian and Navy personnel and to test machinery.

In *Westinghouse Electric Corp.*, 137 NLRB 332 (1962), the Board dismissed election petitions seeking two units of technical employees at the same NRF in-

involved in this proceeding. In that case, the Board found:

The technical functions of NRF are thoroughly integrated and interdependent, and all the [technical] employees . . . must be taken together as constituting an appropriate unit. The interests and skills of all those employees are quite similar . . . All are salaried, are on the same payroll, are subject to the same personnel policies, are under the same progression program, have common facilities for eating, receive the same training course in criticality, and have identical employee benefits. Petitioner seeks arbitrary and artificial groups of these employees. The units petitioned for do not constitute functionally distinct or homogeneous groups of employees, nor administrative or departmental units, such as the Board might recognize.

Id. at 337.

The Acting Regional Director found that radiological control technicians monitor radioactivity and radiation levels to enable other employees to accomplish safely the NRF's major function. The Acting Regional Director described the radiological control technicians' tasks as ancillary and concluded that they are a functionally distinct group.⁶

We disagree with the Acting Regional Director's characterization of the radiological control technicians' tasks as ancillary. In *Westinghouse*, the Board found that the technicians' jobs "are thoroughly integrated and interdependent." The record in this proceeding establishes that radiological control technicians (referred to as industrial hygiene technicians in *Westinghouse*) work with other technicians at many locations to ensure the safety of the employees and the worksite. The radiological control technicians' tasks are essential to enable other technicians to perform their work and to fulfill the Employer's mission.

In 1962, the Board in refusing to exclude industrial hygienists from an appropriate unit observed:

Their main function is to check on contamination levels in the different facilities, and to prescribe interim correction of hazardous conditions, and the proper repair of defective equipment. In carrying out this function, these technicians work

¹ The Acting Regional Director also included chemistry technicians in the unit.

² The Employer subsequently filed with the Board a motion to submit new evidence. The Petitioner filed no objection to the Employer's motion. Accordingly, we grant the Employer's motion.

³ The positions we find appropriate for inclusion in the unit are inspector, instrument specialist and instrument technician, irradiated components examination technician and irradiated components controller, radiological control technician, chemistry technician, operations technician, technical designer, refueling equipment technician, reactor test technician, and technical specialist.

⁴ We adopt the Acting Regional Director's findings of fact unless stated otherwise in this decision.

⁵ S1W is in the process of being decommissioned.

⁶ The Acting Regional Director also attempted to distinguish *Westinghouse* on the grounds that the Employer reorganized its supervisory structure, and now the radiological control technicians and the chemistry technicians share a line of supervision different from that of other technicians.

Although the Acting Regional Director is factually correct that the Employer has restructured the supervisory hierarchy since 1962, we do not agree, given the overall circumstances, that this difference is legally significant. The Board in *Westinghouse* relied on many factors in rejecting the petitioner's attempt to represent portions of the employer's technical employees. Supervisory structure was not one of the factors on which the Board relied. The Acting Regional Director failed to explain how this change affects the nature of the technicals' work or alters the Employer's operation.

alongside the various technicians in ECF, A1W, and S1W, observing and instructing them as to proper safety techniques. Their presence is an absolute necessity at all stages of some functions of these facilities.

Westinghouse, supra at 336. The record concerning radiological control technicians 30 years later is strikingly similar.⁷ Thus, the record provides no support for departing from the Board's 1962 finding that the functions of the Employer's technical employees, including radiological control technicians, "are thoroughly integrated and interdependent."

The Acting Regional Director's reliance on *New Orleans Public Service*, 215 NLRB 834 (1974), is misplaced. In that case, the Board included in one unit technical employees from several departments who performed closely related functions, but excluded technical employees from the employer's transit, marketing

services, and community relations departments. The excluded technicals had little contact with unit employees and provided discrete services for the employer. In this case, the radiological control technicians provide direct support services for other technicals and have close contact with other technical employees. Further, as previously found, the radiological control technicians' tasks are not discrete from the Employer's major service. We find that the radiological control technicians are more comparable to the technicals who were included in the *New Orleans* unit than to the technicals who were excluded.

The Union has indicated that it wishes to proceed to an election in any unit found appropriate. Accordingly, we shall remand this proceeding for further appropriate action.

ORDER

This case is remanded to the Regional Director for Region 27 for further appropriate action consistent with this Decision on Review and Order.

⁷We also observe that there has been no change in the basic requirements for a technician job. All technical employees are salaried, share the same benefits, and work under the same personnel policies.